Record Nr. UNINA9910809344903321 Autore Ciacchi Aurelia Colombi Titolo Law & governance-beyond the public-private law divide? // A. L. B. Colombi Ciacchi [and three others] Pubbl/distr/stampa Hague, Netherlands: .: Eleven International Publishing, . 2013 ©2013 **ISBN** 94-6094-927-4 Descrizione fisica 1 online resource (327 p.) Collana Governance & Recht::9 Disciplina 342.406 Soggetti Administrative law - Europe Civil law - Europe Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references. COVER; TITLE PAGE; Foreword; Table of Contents; Part 1. Public & Nota di contenuto Private Law: Governance and the Public-Private Law Divide in the Netherlands: 1. Introduction: 2. The Traditional View on the Public-Private Law Divide; 2.1 The General Law Doctrine; 2.2 The Mixed Law Doctrine; 3. Another View on the Public-Private Law Divide; 3.1 Introduction to the Modern Views; 3.2. The Common Law Doctrine; 3.3 The Fill-in Law Doctrine; 4. Explanatory Factors; 5. From Macro Level to Meso Level: the Governance-Sectors; 5.1 The Multi-Layered Legal Structure of a Governance-Sector 5.2 The Public-Private Law Divide in a Governance-Sector6. Summary and Conclusions; The Hybrid Notary in a Split between Office and Enterprise; 1. Introduction; 2. The Notary as a Civil Servant and an Entrepreneur; 3. The Notary in the Market; 3.1. Position of the Notary in Legal Transactions; 3.2. The Choice of the Notary as Seen by the Client: Lack of Transparency: 3.3. Dependence on Suppliers: Return Commission; 3.4. Consequences of Market Forces; 3.5. Market Forces and Deregulation are Mutually Exclusive: Who Will Sweep the Notarial Court Clean? 3.6. More Exposure to Market Forces: The Economic Perspective4.

Further Introduction of the Free Market is Accompanied by More Regulations; 5. The Position of the Royal Netherlands Notarial Organisation: Should it Promote Members' Interests?; 5.1. From a

Private Law Association to a Public Order: The Difficult Relationship with the Members; 5.2. The Principle of Legality and Representation: The Difference between the NOvA and the KNB; 5.3. Restrictions on Powers of Regulation; 5.4. European Dimension; 6. Concluding Remarks Selznick on Governance Revisited, What Can We Learn from Early Legal Sociology?Introduction; 1. Government or Governance; 2. Selznick on Organizations; 2.1 Government and Management; 2.2 Private government; 2.3 Private Government and the Rule of Law; 2.4 Legal Change; 3. Dutch New Governance Regimes; 3.1 Supervisory Governance; 3.2 The Social Housing Sector; 3.3 The New Housing Corporation Act; 3.4 Analysis; 3.5 Governance in Dutch Law; 4. Selznick revisited; 4.1 The reduction of power; 4.2 Supervisory Governance; Part 2. Law & Regulation

Competition Law and Private-SectorSustainability Initiatives1. Introduction; 2. Defining Sustainability; 3. The Problem of European Competition Law and a Sustainable Society; 3.1. A Concise Introduction to Competition Law in the Context of this Essay; 3.2. Private Responsibility for Public Policy Goals and Competition Law; 3.3. A Clash of Values; 3.4 Great, but is there really a Problem?; 4. Solutions; 4.1. A Changing Interpretation of Competition Law: Balance is Everything; 4.2. Legislation outside Competition Law; 4.3. Who Gets to Decide?; 5. The Road Forward

Hybrid Regulation as a Legal Design Challenge

Sommario/riassunto

The Third Annual Conference of the Netherlands Institute for Law and Governance took place at Wageningen University on November 29, 2011. The conference was themed ""Law & Governance - Beyond the Public-Private Law Divide?"". A governance approach focuses on all institutions that pursue policy goals. During the conference, the main question discussed was what this approach means for legal research and legal practice. Is the distinction between public and private law still relevant? Can the governance approach enrich methodologies of legal research? Can this approach further new types of regula